



PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Satoshi EJIMA et al.

Group Art Unit: 2174

Application No.: 08/965,197

Examiner: S. Sax

Filed: November 6, 1997

Docket No.: JAO 32373

For: INFORMATION PROCESSING APPARATUS

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REQUEST FOR RECONSIDERATION

Director of the U.S. Patent and Trademark Office
Washington, D. C. 20231

Sir:

In reply to the March 25, 2003 Office Action, the period for reply being extended by the attached Petition for Extension of Time, reconsideration of the application is respectfully requested in view of the following remarks.

I. ENTRY OF NOVEMBER 14, 2001 PRELIMINARY AMENDMENT

In the Request for Reconsideration filed on January 3, 2003, Applicants pointed out that the July 8, 2002 Office Action did not take into account the Preliminary Amendment filed on November 14, 2001. Applicants further provided a copy of the November 14, 2001 Preliminary Amendment along with the PTO date stamped receipt. A second copy is submitted herewith for the Examiner's convenience.

However, the Examiner has apparently not corrected this application by entering the November 14, 2001 Preliminary Amendment, and thus has not properly considered the application as amended. On the contrary, the Office Action only indicates that "[p]er applicant request, claims 6, 8, 12-14, 23, 25, 29-31, 42, 44, 48-50, 57, 59, and 63-65 have

been cancelled." Applicants presume that this was by Examiner's Amendment since, as discussed further below, the Office Action does not address all of the features recited in the pending claims as amended by the November 14, 2001 Preliminary Amendment.

Applicants specifically request Examiner to fully enter and to fully consider the November 14, 2001 Preliminary Amendment. This Amendment should have been entered and considered prior to the July 8, 2002 Office Action. Applicants discussed this issue with the Examiner in a telephone conference on January 2, 2003, and addressed this issue in the response filed on January 3, 2003. Despite these efforts by Applicants' to have the application corrected by entry of the November 14, 2001 Preliminary Amendment, the March 25, 2003 Office Action was apparently mailed without entry of the November 14, 2001 Preliminary Amendment. Thus, the March 25, 2003 Office Action is considered improper.

Accordingly, Applicants further request that entry of the November 14, 2001 Preliminary Amendment be specifically acknowledged and, if necessary, a new Non-Final Action be issued. However, for at least the reasons discussed below, Applicants submit that all pending claims are patentable.

II. CLAIM REJECTIONS

Claims 1-5, 7, 9-11, 15-22, 24, 26-28, 32-41, 43, 45-47, 51-56, 58, 60-62 and 67 are pending.

Claims 1-5, 7, 15-22, 24, 32-41, 43, 51-56, 58 and 66-67 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,414,811 to Parulski et al. in view of U.S. Patent No. 5,539,426 to Nishikawa et al. This rejection is respectfully traversed.

Applicants respectfully submit that all pending claims are patentable over the applied references for at least the reasons set forth below.

Independent claim 1, as amended by the November 14, 2001 Preliminary Amendment, recites *inter alia* "an information processing apparatus comprising . . . dividing

means for dividing a display screen into n^2 areas. . . and display control means for displaying each of one or more of the images as reduced images that are smaller than $1/n$ height by $1/n$ width in a corresponding one of the areas . . . and displaying a symbol representative of the other information data in a corresponding one of the areas" None of the applied references discloses, teaches or suggests these claimed features.

The Office Action asserts that "[t]he dividing means in Nishikawa et al. . . . is such that the screen is divided into n^2 areas when the number of designated images is greater than $(n-1)^2$ and equal to or less than n^2 ." Applicants respectfully disagree and submit that Nishikawa et al. does not contain any such disclosure. Further, the phrase "as well as the ability in Parulski et al." is similarly unsupported by the disclosure of Parulski et al.

The Office Action refers to Figures 2 and 4 and column 3 lines 45-60 in support of this statement, without specifying whether the disclosure is of Nishikawa et al. or Parulski et al. However, neither reference discloses, teaches or suggest that which is asserted by the Office Action. Figures 2 and 4 and column 3 lines 45-60 of Nishikawa et al. merely disclose that a screen is divided into sixteen segments. The statement in the Office Action is merely a mathematical truth, and appears to be based solely on impermissible hindsight.

As previously submitted, Parulski et al. relates to an apparatus that displays multiple images simultaneously so that those images can be compared to each other. See, for example, column 2, lines 12-37 and column 4, lines 44-53 of Parulski et al. Parulski et al. provides no teaching regarding the display of any symbol representative of information data other than stored images. Further, because the object of Parulski et al. is to simultaneously display a plurality of images so that those images can be compared to each other, there is no reason to modify Parulski et al. to display a symbol representative of information data other than images. Thus, Parulski et al. fails to disclose, teach or suggest display control means for displaying a symbol representative of other information data as recited in claim 1.

As also previously submitted, Nishikawa et al. suffers from the same deficiencies as Parulski et al. as Nishikawa et al. is only concerned with the display of images. In particular, Nishikawa et al. relates to displaying images for medical diagnosis. See, for example, column 2, lines 46-50, column 3, lines 24-26 and column 4, line 64 - column 5, line 5. As with Parulski et al., there is no reason to modify Nishikawa et al. to display a symbol representative of information data other than images. Thus, Nishikawa et al. also fails to disclose, teach or suggest display control means for displaying a symbol representative of other information data as recited in claim 1.

The Office Action fails to even address this claimed feature as added by the November 14, 2001 Preliminary Amendment.

Therefore, it is respectfully submitted that independent claim 1 is patentable over Parulski et al. and Nishikawa et al., either individually or in combination. It is also respectfully submitted that independent claims 19, 37 and 53 are patentable at least for the reasons set forth above with respect to claim 1. Further, it is respectfully submitted that claims 2-5, 7, 15-17, 20-22, 24, 32-34, 38-41, 43, 51, 54-56, 58 and 66 are patentable at least in view of the patentability of claims 1, 19, 37 and 53 from which they respectively depend, as well as for the additional features they recite.

Independent claim 18, as amended by the November 14, 2001 Preliminary Amendment, recites *inter alia* "an information processing apparatus comprising . . . dividing means for dividing a display screen into n^2 areas. . . and display control means for displaying the images and the other information data such that: (i) when $n^2 < p$, n^2 of the p images and other information data are displayed; and (ii) when $n^2 > p$, the p images and other information data are displayed starting from an upper-most, left-most one of the n^2 areas, and $(n^2 - p)$ blank images are displayed after the p images and other information data." None of the applied references discloses, teaches or suggests these claimed features.

The Office Action states that "[c]laims 18-22, 24, 32-34, 35-41, 43, 51, 52-56, 58, 66-67 have the same features as above and are rejected for the same reasons," referring to the details of the rejection of claims 1-5, 7 and 15-17 in paragraphs 4-7 of the Office Action. Not only is this statement incorrect, but it is an improper basis for rejection. Independent claims 18, 35, 52 and 67 recite different features than claims 1-5, 7 and 15-17.

For example, the display control means recited in claim 18 is not recited in any of claims 1-5, 7 and 15-17. The Office Action fails to even address this claimed feature as added by the November 14, 2001 Preliminary Amendment. As previously submitted, none of the applied references discloses, teaches or suggests an arrangement in which blank images are displayed when $n^2 > p$ as recited in claim 18.

Therefore, it is respectfully submitted that independent claim 18 is patentable over Parulski et al. and Nishikawa et al., either individually or in combination. It is also respectfully submitted that independent claims 35, 52 and 67 are patentable at least for the reasons set forth above with respect to claim 18. Further, it is respectfully submitted that claim 36 is patentable at least in view of the patentability of claim 35 from which it depends, as well as for the additional features it recites.

In view of the foregoing, withdrawal of the rejection of claims 1-5, 7, 15-22, 24, 32-41, 43, 51-56, 58 and 66-67 over Parulski et al. and Nishikawa et al. is respectfully requested.

Dependent claims 9-11, 26-28, 45-47 and 60-62 stand rejected under 35 U.S.C. §103(a) over the above references and further in view of U.S. Patent No. 5,838,317 to Bolnick et al. This rejection is respectfully traversed.

Bolnick et al. does not overcome the deficiencies of Parulski et al. and Nishikawa et al. discussed above. Thus, Bolnick et al., even if properly combined with Parulski et al. and/or Nishikawa et al., does not disclose or suggest the combination of features recited in independent claims 1, 19, 37 and 53, from which these rejected claims respectively depend.

Bolnick et al. relates to displaying graphical representations in a GUI. See, for example, column 2, lines 11-15. Bolnick et al. does not disclose, teach or suggest displaying reduced images of images that are stored in memory, or an arrangement in which such reduced images are displayed along with symbols that represent information data other than images. Bolnick does not relate to images at all, let alone images that are displayed along with symbols that represent information data other than images.

The Office Action fails to state a proper motivation for the alleged combination of Bolnick et al. with the other references. The alleged motivation in the Office Action is entirely conclusory and is not based on any specific suggestion or teaching in the references. The alleged motivation appears to be based on impermissible hindsight reconstruction, and is therefore improper. Applicants respectfully submit that one having ordinary skilled in the art would not arrive at the combination of features/steps recited in independent claims 1, 19, 37 and 53 from reading Parulski et al., Nishikawa et al. and Bolnick et al. without using impermissible hindsight.

Therefore, it is respectfully submitted that claims 9-11, 26-28, 45-47 and 60-62 are patentable at least in view of the patentability of claims 1, 19, 37 and 53 from which they respectively depend, as well as for the additional features they recite. Withdrawal of the rejection of claims 9-11, 26-28, 45-47 and 60-62 over Parulski et al., Nishikawa et al. and Bolnick et al. is respectfully requested.

III. CONCLUSION

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-5, 7, 9-11, 15-22, 24, 26-28, 32-41, 43, 45-47, 51-56, 58, 60-62 and 67 are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time
Amendment filed November 14, 2001
PTO Date-Stamped Receipt

Date: September 25, 2003

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PATENT APPLICATION

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In re the Application of

Satoshi EJIMA et al.

Group Art Unit: 2173

Application No.: 08/965,197

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For: INFORMATION PROCESSING APPARATUS

PRELIMINARY AMENDMENT FILED IN CPA

Director of the U.S. Patent and Trademark Office
Washington, D. C. 20231

Sir:

Further to the Rule 53(d) CPA filed on October 23, 2001, please amend the above-identified application as follows:

IN THE CLAIMS:

Please cancel claims 6, 8, 12-14, 23, 25, 29-31, 42, 44, 48-50, 57, 59 and 63-65 without prejudice to or disclaimer of the subject matter contained therein.

Please replace claims 1-4, 7, 9-11, 15, 17-21, 24, 26-28, 32, 35, 37-40, 43, 45-47, 51-56, 58, 60-62, 66 and 67 as follows:

1. (Amended) An information processing apparatus comprising:
storage means for storing a plurality of images and other information data;
dividing means for dividing a display screen into n^2 areas; and
display control means for displaying each of one or more of the images as reduced images that are smaller than $1/n$ height by $1/n$ width in a corresponding one of the areas of the screen divided by the dividing means, and displaying a symbol representative of the other